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6
7 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

8
9 UNITED STATES OF AMERICA,
10 Plaintiff,
11
12 vs.
13 EMMANUEL GARCIA LOPEZ,
14 Defendant.

Case No.: **2:18-cr-00180-JCM-VCF-1**

**STIPULATION TO CONTINUE
HEARING FOR SENTENCING
(Second Request)**

14 IT IS HEREBY STIPULATED AND AGREED, by and between Dayle Elieson, United
15 States Attorney, Brandon C. Jaroch, Esq., Assistant United States Attorney, and David R.
16 Fischer, Esq., counsel for defendant EMMANUEL GARCIA LOPEZ, that the Hearing for
17 Sentencing in the above-captioned matter set for Thursday, January 17, 2019 at 10:00 A.M. be
18 vacated and continued to a date and time convenient to the Court but no earlier than ninety (90)
19 days.

20 This Stipulation for the continuance is entered into for the following reasons:

21 1. This is a joint request by counsel for the Government and counsel for the Defendant,
22 EMMANUEL GARCIA LOPEZ;

2. The additional time requested by this Stipulation is reasonable pursuant to Federal Rule of Criminal Procedure 32(b)(2), which states that “the court may, for good cause, change any limits prescribed in this rule”;
3. Both counsel request this additional time in order to allow adequate time to research Sentencing issues and to prepare for the sentencing hearing;
4. Counsel is still awaiting the disclosure of necessary materials to be used in support of the sentencing memorandum;
5. Counsel communicated with the Defendant, EMMANUEL GARCIA LOPEZ, who is currently in custody at the Nevada Southern Detention Center, and who agrees with the continuance;
6. Counsel is currently appointed to a complex case set to go to trial on January 28, 2019, and predicted to last at least 8 to 10 weeks;
7. This is the second request for a continuance filed herein.

WHEREFORE, for the foregoing reasons, the ends of justice would best be served by a continuance of the Sentencing Hearing to be set to a date and time convenient to the Court but no earlier than ninety (90) days.

DATED this 13th day of December, 2018

/s/ Brandon C. Jaroch
BRANDON C. JAROCH, ESQ.
Assistant United States Attorney
Counsel for the United States

/s/ David R. Fischer
DAVID R. FISCHER, ESQ.
Counsel for Defendant LOPEZ

CERTIFICATE OF ELECTRONIC SERVICE

I HEREBY CERTIFY that I am an employee or agent of the LAW OFFICE OF DAVID R. FISCHER and am a person of such age and discretion as to be competent to serve papers and that on the 13th day of December, 2018, I served a copy of the above and foregoing **STIPULATION TO CONTINUE SENTENCING HEARING** in the following manner(s):

- ELECTRONIC SERVICE: Pursuant to Local Rule IC 4-1 of the United States District Court for the District of Nevada, the above-referenced document was electronically filed and served on all appearing parties through the Notice of Electronic Filing automatically generated by the Court.
- UNITED STATES MAIL: By depositing a true and correct copy of the above referenced document into the United States Mail with prepaid first-class postage, addressed to the parties at their last-known mailing address(es):

Emmanuel Garcia Lopez
Nevada Southern Detention Center
2190 East Mesquite Avenue
Pahrump, NV 89060

- OVERNIGHT COURIER: By depositing a true and correct copy of the above referenced document for overnight delivery via a nationally-recognized courier, addressed to the parties listed below at their last-known mailing address.
- FAX: By sending the above-referenced document via facsimile to those persons listed on the attached service list at the facsimile numbers set forth thereon.
- EMAIL: By sending the above-referenced document via email to those persons at the email addresses set forth below:

/s/ David R Fischer
DAVID R. FISCHER, ESQ.
Attorney for Defendant LOPEZ

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,
Plaintiff,
vs.
EMMANUEL GARCIA LOPEZ,
Defendant.

Case No.: 2:18-cr-00180-JCM-VCF-1

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. This is a joint request by counsel for the Government and counsel for the Defendant, EMMANUEL GARCIA LOPEZ;
2. The additional time requested by this Stipulation is reasonable pursuant to Federal Rule of Criminal Procedure 32(b)(2), which states that “the court may, for good cause, change any limits prescribed in this rule”;
3. Both counsel request this additional time in order to allow adequate time to research Sentencing issues and to prepare for the sentencing hearing;
4. Counsel is still awaiting the disclosure of necessary materials to be used in support of the sentencing memorandum;
5. Counsel communicated with the Defendant, EMMANUEL GARCIA LOPEZ, who is currently in custody at the Nevada Southern Detention Center, and who agrees with the continuance;

6. Counsel is currently appointed to a complex case set to go to trial on January 28, 2019, and predicted to last at least 8 to 10 weeks;
7. This is the second request for a continuance filed herein.

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for sentencing, taking into account the exercise of due diligence.

The continuance sought herein is excusable under the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(1)(D) and Title 18, United States Code, Section 3161(h)(7)(A) considering the factors in Title 18, United States Code, Sections 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).

ORDER

IT IS HEREBY ORDERED that the Sentencing Hearing currently scheduled for Thursday, January 17, 2019 at 10:00 A.M., be continued to the 22nd day of April, 2019, at 10:00 a.m., in courtroom 6A.

**UNITED STATES DISTRICT JUDGE
HONORABLE JAMES C. MAHAN**

Case No.: 2:18-cr-00180-JCM-VCF-1

December 17, 2018

DATED: _____